

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Paul O'Brien v. Tiffanie O'Brien

O'Brien · No. 03-25-00334-CV · Decided June 24, 2026

SUMMARY

The Texas Court of Appeals, Third District, abates the appeal for an additional 30 days to allow the trial court to render a decision following a hearing on a motion to modify. The court orders appellee to file a motion to dismiss, a motion to reinstate, or a status report with a motion to extend the abatement by July 24, 2026.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Per Curiam; Justice Triana; Justice Kelly; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	June 24, 2026
DOCKET	03-25-00334-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court had previously abated the appeal to permit the trial court to conduct another hearing concerning Tiffanie O'Brien's motion to modify. Tiffanie moved to extend the abatement after the trial court held the scheduled hearing but had not yet rendered its decision.
PRECEDENTIAL VALUE	Published
PARTIES	Paul O'Brien v. Tiffanie O'Brien

TOPICS

- family law procedure
- child custody
- appellate procedure

PRACTICE AREAS

- family law
- appellate procedure
- child custody

QUESTIONS PRESENTED

- Whether the appellate court should extend the existing abatement of the appeal to allow the trial court additional time to render a decision after the May 28, 2026 hearing.

HOLDINGS

1. The court granted Tiffanie O'Brien's motion and abated the appeal for an additional 30 days to allow the trial court more time to render its decision.

KEY QUOTATIONS

“We grant Tiffanie’s motion and abate the appeal for an additional 30 days to allow the trial court more time to render its decision.” (at 1)

FACTUAL BACKGROUND

The trial court was considering Tiffanie O'Brien's motion to modify. After the appellate court confirmed the trial court's jurisdiction to consider that motion, the trial court conducted another hearing on May 28, 2026 but had not yet rendered its decision when the appellate court considered the motion to extend abatement.

PROCEDURAL HISTORY

The appeal arose from the 53rd District Court of Travis County. The appellate court previously abated the appeal to allow the trial court to conduct another hearing in light of the appellate court's confirmation of the trial court's jurisdiction to consider Tiffanie's motion to modify under Subsections 109.001(b-3) and (b-4). After the May 28, 2026 hearing, Tiffanie submitted a status report and requested an additional abatement period so the trial court could render its decision. The court granted the request and abated the appeal for an additional 30 days.

DISPOSITION

other

REMAND INSTRUCTIONS

The appeal is abated for an additional 30 days to allow the trial court to render its decision. Tiffanie O'Brien must submit, on or before July 24, 2026, a motion to dismiss the appeal, a motion to reinstate the appeal, or a status report regarding the trial court's ruling accompanied by a motion to extend the abatement.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-25-00334-CV Paul O’Brien, Appellant v. Tiffanie O’Brien, Appellee FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY, NO. D-1-FM-22-005157, THE HONORABLE LAURIE EISERLOH, JUDGE PRESIDING ORDER AND MEMORANDUM OPINION PER CURIAM On appellee Tiffanie O’Brien’s motion, this Court previously abated this appeal to allow the trial court to conduct another hearing in light of our confirmation of its jurisdiction to consider Tiffanie’s motion to modify under Subsections 109.001(b-3) and (b-4).

1 As ordered by the Court, Tiffanie has filed a status report and motion to extend abatement requesting that we extend the abatement period to allow the trial court time to render its decision after conducting a hearing on May 28, 2026.

We grant Tiffanie's motion and abate the appeal for an additional 30 days to allow the trial court more time to render its decision. Tiffanie shall submit a motion to dismiss the appeal, a motion to reinstate the appeal, or a status report concerning the status of the trial court's ruling accompanied by a motion to extend the abatement on or before July 24, 2026.

1 For clarity, we refer to the parties by their first names. It is so ordered on June 24, 2026. Before Justices Triana, Kelly, and Ellis Abated Filed: June 24, 2026 2